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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/985,380	12/04/1997	EVERT S. COOPER	TI-23516	3517

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EXAMINER

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ART UNIT PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 21

Application Number: 08/985,380

Filing Date: December 04, 1997

Appellant(s): COOPER, EVERETT S.

W. Daniel Swayze, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/11/02.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 11-18 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *ClaimsAppealed*

A substantially correct copy of appealed claim 11 appears on page 8 of the Appendix to the appellant's brief. The minor errors are as follows: Claim 11, line 12 "technique a after initialization" should be –technique after initialization--. Also, Appellant presented claim 21 in the Appendix. This claim is not on appeal.

(9) Prior Art of Record

5,844,744	SUZUKI ET AL.	12-1998
5,111,349	MOON	5-1992

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 11-13 and 16-18 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 15.

Claims 14 and 15 rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 15.

(11) Response to Argument

Appellant does not disagree with the teaching of Suzuki et al. as stated by the Examiner.

Appellant states that Moon teaches a value C_{ffwd} that "may be determined by manual characterization of the disk drive or by automated self-characterization **during disk drive initialization**". In contrast, Appellant states that the claimed invention performs this feature **after initialization**. Appellant's statement is partially correct. Moon does teach as Appellant points out that the value C_{ffwd} is determined during initialization, however column 15, line 30 – column 16, line 24 further teaches that the value C_{ffwd} is generated in **real time** (after initialization) upon receiving a request for a new track of data from the host. There is no limitations set forth in the claims that defines

over the teaching of Moon after the system is entered into the real time mode of operation.

Appellant does not present any arguments concerning the rejection of claims 12-15. These claims should stand or fall with independent claim 11.

For the above reasons, it is believed that the rejections should be sustained.

mv
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Respectfully submitted,
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A.L.S.
May 31, 2002

Conferees

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